

Court  
COPY 3-9-22

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(WHEELING)

UNITED STATES OF AMERICA,  
Plaintiff,

Vs.

Crim. Action No.: 5:20CR16-8  
Judge Bailey

ANDRE CORNELL DIGGS.  
Defendant.

FILED  
MAR 28 2022  
U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

MOTION OBJECTING TO THE COURT'S "ORDER" (Doc. # 945) 2-17-22 AS A PREMATURE "ORDER"

Comes now pro se Defendant as follows ;

I. BACKGROUND

1. On 1-12-2022 I filed a pro se Motion pursuant to 18USC Section 3582, as well as for the appointment of Counsel (Doc.# 925 & 926)
2. On 2-1-2022 The United States responded in (Doc.# 933) through the AUSA Shawn M. Adkins. [SEE Exhibit-A]
3. On 2-11-2022 I filed a reply to the Government's 2-1-2022 response and gave it to the Unit Officer. Due to Covid-19 and FCI Cumberland lockdown the reply did not go out until 2-18-2022. The normal procedure is to walk your mail to the mailroom during lunch. When the unit is locked down, however, the officer picks up the legal mail and it does not necessarily go out that day, which was the case here. Nevertheless, the Mail Rule would apply to me so my file date would be 2-11-2022. [SEE Exhibit-A-1]
4. On 2-17-2020 (Doc.# 945) the Court [not being fully briefed] issued an ORDER in this case denying my Motion for Reduction of Sentence and Appointment of Counsel (Doc.# 925 & 926).

CONCLUSION

Pursuant to the Mail Rule on 2-11-2022 my reply Motion was filed as stated in Number 3 above. The FCI mail room did not mail out any of the mail which was turned in until 2-18-2022, through no fault of my own.  
T H E R E F O R E the Court made its 2-17-2022 (Doc.# 945) ORDER/Ruling without being fully briefed.

W H E R E F O R E , I ask this Court to resend its own ORDER and hear my 2-11-2022 reply to the AUSA's; "RESPONSE IN OPPOSITION TO MOTION FOR COMPASSIONATE RELEASE" - my reply objections are marked as Exhibit A-1 - or in any manner the Court wants to grant relief so that my side is completely heard. I T I S S O P R A Y E D .

Respectfully Submitted, X Andre Diggs March 3, 2022

CERTIFICATE OF SERVICE  
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I hereby state that a copy of the foregoing was mailed out on March 3, 2022 by First Class Mail to the following:

1. Clerk of the Court

2. Assistant United States Attorney

X Andre Diggs  
Andre Cornell Diggs #67761-060  
Federal Correctional Institution  
PO Box 1000  
Cumberland, MD 21501-1000